

CHAPTER NO. 377

HOUSE BILL NO. 749

By Representatives Buck, Boyer, Newton, Briley, McMillan, Windle, Sands, Beavers, Scroggs, Westmoreland, Brooks, Jackson, Hargrove, Pinion

Substituted for: Senate Bill No. 1277

By Senator Springer

AN ACT to amend Tennessee Code Annotated, Title 29, relative to governmental tort liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-20-403, is amended by adding the following as a new appropriately designated subsection:

() Notwithstanding the liability limits established by this section, and notwithstanding any contrary provision in this chapter or of any other public or private act, or any municipal or metropolitan charter, a municipal electric service is hereby expressly authorized to make a payment in compensation for bodily injury and/or death to any one (1) or more persons as the result of any incident that occurred on October 10, 1997, if the bodily injury and/or death was caused, directly or indirectly, wholly or in part, by equipment owned by such municipal electric service and/or by negligent acts or omissions of any employee of such municipal electric service.

All payments and disbursements made by a municipal electric service pursuant to this subsection shall be expenditures of money for a lawful municipal purpose in compliance with T.C.A. §6-56-112, and are hereby declared to be expenditures of public money, pursuant to appropriations made by law in compliance with Article II, §29 of the Constitution of the State of Tennessee. No action may be maintained against any officer, director, employee, or member of a board or commission of a municipal electric system, and no judgment may be entered against any such person, upon an allegation that an expenditure of funds of the municipal electric system pursuant to this subsection was an ultra vires act, or that it exceeded the authority or discretion of any person in their capacity as such officer, director, employee, or member of a board or commission of a municipal electric system.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or application of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 27, 1999


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of June 1999


DON SUNDQUIST, GOVERNOR